

Appl. No. 09/751,645  
Amdt. dated January 26, 2004  
Reply to Office action of November 24, 2003

### **REMARKS/ARGUMENTS**

Claims 1-8 and 11-45 are pending in the application, and claims 2-8, 11-13, 17-24, 28 and 34-40 are withdrawn from consideration as being drawn to a non-elected invention and species. Claims 1, 14-16, 25-27, 29-33 and 41-45 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 1,730,938 to O.F. Kleeb et al. ("Kleeb") in view of U.S. Patent No. 1,746,594 to A.C. Jacobson ("Jacobson"). Applicant has amended claims 1, 14, 31, 32 and 41-43 to more clearly define Applicant's invention. Applicant has canceled all of the withdrawn claims as well as claims 16, 30, 33 and 45. Applicant has also added new claims 46 and 47. No new matter has been added. Applicant understands that entry of amendments after final is not a matter of right. However, as discussed in further detail below, Applicant believes that the claims, as amended, set forth features distinguishable over the cited references and, therefore, are in condition for allowance. Applicant respectfully requests that Examiner consider and enter the amendments in this application and to reconsider the claims in their amended form in view of the remarks below.

Responsive to the rejection of claims 1, 14-16, 25-27, 29-33 and 41-45 as being unpatentable over Kleeb in view of Jacobson, claims 16, 30, 33 and 45 have been canceled. Applicant submits that the combination of Kleeb and Jacobson does not disclose, teach or suggest every element of Applicant's amended claims 1, 14 and 41. Specifically, amended claims 1, 14 and 41 now recite a power saw including a pair of pivot supports.

Examiner argues that Kleeb teaches platform 1, support plate 31, a saw assembly, balancing apparatus 60, saw blade 22, an oscillating mechanism, pivot support 19, counterweight 61, a beam 20 and an aperture. Even if saw carrying frame 19 is construed to be a pivot support, as the Examiner states, Kleeb only teaches the use of one carrying frame. On the contrary, Applicant's application for patent discloses the use of a pair of pivot supports 28. Pivot supports 28 are secured to platform 14 to support the width of saw support plate 24 (page 6 of patent

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application, lines 8-12; Figure 6). Accordingly, each of amended claims 1, 14, 34 and 41 recite a pair of pivot supports. Applicant is not aware of any portion of Kleeb, Jacobson or any of the other cited prior art that teaches or suggests a power saw including a pair of pivot supports. Consequently, neither the combination of Kleeb and Jacobson nor the combination of any of the other cited prior art discloses, teaches or suggests the recitations of amended claims 1, 14, 34 and 41. It is Applicant's belief that these amended claims are patentable over the cited prior art.

Responsive to the rejection of remaining claims 15, 25-27, 29, 31, 32 and 42-44, each of these claims, as well as new claims 46 and 47, directly or indirectly depend from one of amended claims 1, 14 and 41. Because these claims incorporate all of the respective elements of one of amended claims 1, 14 and 41 therein, Applicant submits that these claims are also patentable over Kleeb in view of Jacobson.

For all of these reasons, Applicant submits that claims 1, 14, 15, 25-27, 29, 31, 32, 41-44, and 46-47 are not disclosed, taught or suggested by the combination of Kleeb and Jacobson, thereby placing the application in condition for allowance. Applicant respectfully requests allowance thereof.

Should any questions concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (317) 237-1184.

In the event that Applicant has overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicant hereby



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conditionally petitions therefore and authorizes that any charges be made to Deposit Account No.

02-0390, BAKER & DANIELS.

Respectfully submitted,

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Name of registered representative

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**PATENT APPLICATION FEE DETERMINATION RECORD**

Substitute for Form PTO-875

Application or Docket Number

09/751,645 (MRI-P0003)

**CLAIMS AS FILED – PART I**

(Column 1)

(Column 2)

**SMALL ENTITY**

OR

**OTHER THAN  
SMALL ENTITY**

FOR	NUMBER FILED	NUMBER EXTRA
BASIC FEE (37 CFR 1.16(a))		
TOTAL CLAIMS (37 CFR 1.16(c))	28	minus 20 = 8
INDEPENDENT CLAIMS (37 CFR 1.16(b))	2	minus 3 = 0
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))		

RATE	FEE
	\$ _____
X \$ _____ =	
X \$ _____ =	
+ \$ _____ =	
TOTAL	

OR

OR

OR

OR

OR

RATE	FEE
	\$ _____
X \$ _____ =	
X \$ _____ =	
+ \$ _____ =	
TOTAL	

\* If the difference in column 1 is less than zero, enter "0" in column 2.

**CLAIMS AS AMENDED – PART II**

(Column 1)

(Column 2)

(Column 3)

**SMALL ENTITY**

OR

**OTHER THAN  
SMALL ENTITY**

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(c))	* 24	Minus ** 28	= 0
Independent (37 CFR 1.16(b))	* 4	Minus *** 3	= 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))			

RATE	ADDI- TIONAL FEE
X \$ _____ =	
X \$ _____ =	
+ \$ _____ =	
TOTAL ADD'L FEE	

OR

OR

OR

OR

OR

RATE	ADDI- TIONAL FEE
X \$ 9 _____ =	0.00
X \$ 43 _____ =	0.00
+ \$ _____ =	
TOTAL ADD'L FEE	

AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(c))	* 15	Minus ** 28	= 0
Independent (37 CFR 1.16(b))	* 3	Minus *** 3	= 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))			

RATE	ADDI- TIONAL FEE
X \$ _____ =	
X \$ _____ =	
+ \$ _____ =	
TOTAL ADD'L FEE	

OR

OR

OR

OR

OR

RATE	ADDI- TIONAL FEE
X \$ _____ =	
X \$ _____ =	
+ \$ _____ =	
TOTAL ADD'L FEE	

AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(c))	* _____	Minus ** _____	= _____
Independent (37 CFR 1.16(b))	* _____	Minus *** _____	= _____
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))			

RATE	ADDI- TIONAL FEE
X \$ _____ =	
X \$ _____ =	
+ \$ _____ =	
TOTAL ADD'L FEE	

OR

OR

OR

OR

OR

RATE	ADDI- TIONAL FEE
X \$ _____ =	
X \$ _____ =	
+ \$ _____ =	
TOTAL ADD'L FEE	

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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